

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CASE NO. 1:07-cr-097-MEF
)	(WO)
MICHAEL ALRED)	

ORDER

On January 10, 2008, the defendant filed a Motion to Continue Trial (Doc. #41) and on January 11, 2008, the defendant filed an Amended Motion to Continue (Doc. #44). While the granting of a continuance is left to the sound discretion of the trial judge, *United States v. Warren*, 772 F.2d 827, 837 (11th Cir. 1985), the court is, of course, limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Speedy Trial Act provides generally that the trial of a defendant in a criminal case shall commence within 70 days of the latter of the filing date of the indictment or the date the defendant appeared before a judicial officer in such matter. 18 U.S.C. §3161(c)(1). *See United States v. Vasser*, 916 F.2d 624 (11th Cir. 1990).

The Act excludes from this 70 day period any continuance that the judge grants "on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(8)(A).

The motion states that, by order of the court, the defendant is presently in a drug treatment facility. The defendant has been providing information and assistance to the government since his initial arrest on this matter. The defendant and the government need

additional time to develop information of potential use. Counsel for the government does not oppose a continuance. Consequently, the court concludes that a continuance of this case is warranted and that the ends of justice served by continuing this case outweighs the best interest of the public and the defendant in a speedy trial. *See United States v. Davenport*, 935 F.2d 1223, 1235 (11th Cir. 1991)(reasonable time necessary for effective preparation is a significant factor for granting a continuance under the Speedy Trial Act).

Accordingly, it is hereby ORDERED:

1. That the defendant's motions filed on January 10, 2008 and January 11, 2008 are GRANTED;

2. That the trial of this case is continued from the February 11, 2008 trial term to the March 17, 2008 trial term in Dothan, Alabama.

3. That the Magistrate Judge conduct a pretrial conference prior to the March 17, 2008 trial term.

DONE this the 17th day of January, 2008.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE